IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY THE TWENTY EIGHTH DAY OF JULY TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.JUSTICE: **C.Y.SOMAYAJULU**

CRIMINAL PETITION No.3108 of 2004

Between:

1. G.Venkata Naayana (A1)
2. G.Venkata Lakshmamma (A2). Petitioners

(Accused in Cr.No.21/2004 of II Town P.S., Anantapur Dist)

AND

The State of A.P. (Station House Officer, II Town Police Station, Anantapur, Anantapur Dist), rep. by Public Prosecutor, High Court of A.P., Hyderabad.

. Respondent/ Complainant

Petition under Section 438 of Crl.P.C. praying that in the circumstances stated therewith, the High Court will be pleased to direct the respondent police to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.21/2004 of II Town Police Station, Anantapur.

The Petition coming on for hearing upon perusing the petition and Grounds filed herein, and upon hearing the arguments of Mr. Srinivas Dammalapati, Advocate for the Petitioners and of the Public Prosecutor on behalf of the Respondent.

The Court made the following **ORDER:**

" This is an application for anticipatory bail by the accused in Cr.No.21/2004 of II Town Police Station, Anantapur.

The case of the prosecution is that petitioners caused the dowry death of the wife of A.1 and daughter-in-law of A-2 (the deceased) and hence are accused of an offence under Section 304-B IPC.

The contention of the learned counsel for petitioners is that the petitioners are falsely implicated in the case and in fact, after the deceased consumed poison and fell unconscious, it is the second petitioner that had shifted her to the hospital and admitted her in the hospital, and so it is clear that second petitioner has no involvement in the case, he also contends that first petitioner never harassed the deceased and the averments in the FIR registered, on a report given by the second petitioner, clearly show that the deceased and first petitioner were living happily and the deceased was never ill-treated, and so petitioners are entitled to the bail sought.

Heard the learned Public Prosecutor, who state that second petitioner was not residing at the village where A.1 and deceased were staying, and the investigation made so far reveals harassment by A.1, and so first petitioner is not entitled to anticipatory bail.

Since it is stated that no allegations were made against A.2, by the parents of the deceased, prior to the death of the deceased about harassment of the deceased and since the second petitioner (A.2) is a lady, she can be granted the bail sought. But, as far as first petitioner is concerned, he is not entitled to anticipatory bail. Hence, the petition of first petitioner is dismissed.

Second petitioner (A.2) shall surrender before the Station House Officer, II Town Police Station, Anantapur in Cr.No.21 of 2004 within one week from today. On such surrender, she shall be enlarged on bail on her executing a bond for Rs. 5,000/- (rupees five thousand only) with two sureties in a like sum each to the satisfaction of SHO, II Town Police Station, Anantapur, subject to the condition that she shall make herself available for interrogation by police as and

when required in connection with the said crime.

The Criminal Petition is ordered accordingly."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The SHO, II Town Police Station, Anantapur District.
2. Two CCs to the Public Prosecutor, High Court of A.P.Hyd(OUT)
3. One CC to Mr. Srinivas Dammalapati, Advocate (OPUC)
4. One spare copy.

SAH